

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVIS BATEMAN,

Defendant.

CASE NO. CR19-0133-JCC

ORDER

This matter comes before the Court on Defendant Davis Bateman's unopposed motion to proceed with his guilty plea by video or telephonic hearing (Dkt. No. 30). Having considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

I. BACKGROUND

On May 17, 2019, Bateman was charged with being a felon in possession of ammunition. (Dkt. No. 1.) The parties have reached a plea agreement under which the Government agrees to recommend no more than 48 months of custody. (Dkt. No. 30 at 2.) Bateman has reviewed the agreement with his counsel and requests to enter his guilty plea by video or telephonic conference. (*Id.* at 2; Dkt. No. 30-1 at 1–2.) The Government neither opposes nor endorses Bateman's request. (*See* Dkt. No. 32 at 1–4.)

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II. DISCUSSION

On March 30, 2020, Chief Judge Ricardo S. Martinez issued General Order 04-20, which states in relevant part,

The use of video conferencing or telephone conferencing for felony pleas under Fed. R. Crim. P. 11 and felony sentencings under Fed. R. Crim. P. 32 is hereby authorized provided that the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice. In cases that can be further delayed without such harm, the district judge should instead continue the sentencing or trial date.

W.D. Wash., General Order 04-20, at 2–3 (Mar. 30, 2020).

Delaying Bateman’s guilty plea hearing, and consequently his sentencing, would cause serious harm to the interests of justice in this case. Under General Order 08-20, in-person criminal hearings in the Seattle Courthouse of the Western District of Washington will not resume until at least August 3, 2020. W.D. Wash., General Order 08-20, at 2 (May 13, 2020). Thus, absent the Court’s intervention, Bateman cannot participate in a guilty plea hearing until at least August 3, 2020, despite having already reached a plea agreement with the Government. (Dkt. No. 30 at 2.) Unnecessarily delaying Bateman’s guilty plea hearing until August 3 would prejudice Bateman, who may ask for a time-served sentence and has an interest in the speedy resolution of this matter. (*See* Dkt. No. 30 at 2–3.) The Court therefore FINDS that Bateman’s guilty plea hearing “cannot be further delayed without serious harm to the interests of justice.”

III. CONCLUSION

For the foregoing reasons, the Court GRANTS Bateman’s motion to proceed with his guilty plea hearing by video or telephonic hearing (Dkt. No. 30). The Court ORDERS that Defendant’s guilty plea hearing before a Magistrate Judge be set as soon practicable and be conducted by video conference.¹

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¹ The Government requests that the plea hearing occur by video conference. (Dkt. No. 32 at 5.) The Court GRANTS that request.

1 DATED this 2nd day of June 2020.

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6 UNITED STATES DISTRICT JUDGE
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